



Betting, Gaming and Lotteries Act 1963

1963 CHAPTER 2

PART III

LOTTERIES AND PRIZE COMPETITIONS

41 Illegality of lotteries

Subject to the provisions of this Act, all lotteries are unlawful.

42 Offences in connection with lotteries

- (1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—
- (a) prints any tickets for use in the lottery; or
 - (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
 - (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list, whether complete or not, of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
 - (d) brings, or invites any person to send, into Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
 - (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or

- (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
- (g) causes, procures or attempts to procure any person to do any of the above-mentioned acts,

shall be guilty of an offence.

- (2) In any proceedings instituted under the foregoing subsection, it shall be a defence to prove either—
 - (a) that the lottery to which the proceedings relate was a lottery declared not to be unlawful by section 43, 44, 45 or 46 of this Act, and that at the date of the alleged offence the person charged believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken; or
 - (b) that the lottery to which the proceedings relate was also a game of chance and that at the time of the alleged offence the person charged believed, and had reasonable ground for believing, that it was being conducted in such circumstances that no offence under Part II of this Act was committed.
- (3) In England, proceedings under subsection (1) (c) (iii) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of the Director of Public Prosecutions.

43 Exemption of small lotteries incidental to certain entertainments

- (1) Where a lottery is promoted as an incident of an entertainment to which this section applies, that lottery shall not be unlawful but the conditions set out in subsection (2) of this section shall be observed in connection with its promotion and conduct and, if any of those conditions is contravened, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.
- (2) The conditions referred to in the foregoing subsection are that—
 - (a) the whole, proceeds of the entertainment (including the proceeds of the lottery) after deducting—
 - (i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and
 - (ii) the expenses incurred in printing tickets in the lottery; and
 - (iii) such sum, if any, not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes -in the lottery,
 shall be devoted to purposes other than private gain;
 - (b) none of the prizes in the lottery shall be money prizes;
 - (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
 - (d) the facilities afforded for participating in lotteries, or those facilities together with either or both of the following, that is to say—
 - (i) facilities offered by virtue of section 37 of this Act for taking part in gaming;

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- (ii) the opportunity to win prizes at amusements to which section 48 (3) of this Act applies,
- shall not be the only, or the only substantial, inducement to persons to attend the entertainment.
- (3) The entertainments to which this section applies are bazaars, sales of work, fetes, dinners, dances, sporting or athletic events and other entertainments of a similar character, whether limited to one day or extending over two or more days.

44 Exemption of private lotteries

- (1) In this section, the expression "private lottery" means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—
 - (a) members of one society established and conducted for purposes not connected with gaming, betting or lotteries; or
 - (b) persons all of whom work on the same premises; or
 - (c) persons all of whom reside on the same premises,and which is promoted by persons each of whom is a person to whom under the foregoing provisions of this subsection tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing 'body of the society to promote the lottery; and for the purposes of this section, the expression "society" includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.
- (2) A private lottery shall not be unlawful, but the following conditions shall be observed in connection with its promotion and conduct, that is to say—
 - (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either—
 - (i) to the provision of prizes as aforesaid ; or
 - (ii) to purposes which are purposes of the society; or
 - (iii) as to part to the provision of prizes as aforesaid and as to the remainder to such purposes as aforesaid;
 - (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
 - (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
 - (ii) such announcement or advertisement thereof as is contained in the tickets, if any;
 - (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
 - (d) every ticket shall bear upon the face of it the name and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than

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the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;

- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
- (f) no tickets in the lottery shall be sent through the post.

- (3) If any of the conditions set out in subsection (2) of this section is contravened, each of the promoters of the lottery, and, where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence:

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it.

45 Exemption of certain small lotteries conducted for charitable, sporting or other purposes

- (1) This section applies to any lottery which, not being a lottery declared by any other section of this Act not to be unlawful, is promoted in Great Britain on behalf of a society registered for the purposes of this section under Part I of Schedule 7 to this Act, being a society established and conducted wholly or mainly for one or more of the following purposes, that is to say—

- (a) charitable purposes;
- (b) participation in or support of athletic sports or games or cultural activities;
- (c) purposes which, not being described in paragraph (a) or (b) of this subsection, are neither purposes of private gain nor purposes of any commercial undertaking,

and is so promoted for raising money to be applied for purposes of the society.

- (2) In construing subsection (1) (c) of this section, any purpose for which any society is established and conducted which is calculated to benefit the society as a whole shall not be held to be a purpose of private gain by reason only that action in its fulfilment would result in benefit to any person as an individual; and for the purposes of this section, the expression "society" includes a club, institution, organisation or association of persons, by whatever name called, and any separate branch or section of such a club, institution, organisation or association.

- (3) A lottery to which this section applies shall not be unlawful but the following conditions shall be observed in connection with its promotion and conduct, that is to say—

- (a) the promoter of the lottery shall be a member of the society authorised in writing by the governing body of the society to act as the promoter;
- (b) no remuneration shall be paid in respect of the lottery to the promoter or to any person employed by the promoter in connection with the lottery who carries on a betting business or is otherwise engaged by way of business in the organisation of betting;
- (c) no prize shall exceed one hundred pounds in amount or value, and no ticket or chance shall be sold at a price exceeding one shilling;
- (d) the whole proceeds after deducting sums lawfully appropriated on account of expenses or for the provision of prizes shall be applied to purposes of the society such as are described in subsection (1) (a), (b) or (c) of this section;

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- (e) the amount of the proceeds appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred, or
 - (ii) ten per cent. of the whole proceeds,whichever is the less, and the amount of the proceeds appropriated for the provision of prizes shall not exceed one half of the whole proceeds ;
 - (f) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
 - (g) the total value of the tickets or chances sold shall not exceed seven hundred and fifty pounds ; and if, on any day on which tickets or chances in the lottery are on sale, tickets or chances are on sale in another lottery to which this section applies promoted on behalf of the society, the total value of the tickets or chances sold in those lotteries taken together shall not exceed seven hundred and fifty pounds; and for the purposes of this paragraph tickets or chances in a lottery shall be deemed to be on sale on each day between the dates on which those tickets or chances are first and last sold, whether or not any such ticket or chance is sold on that day;
 - (h) no written notice or advertisement of the lottery shall be exhibited, published or distributed except—
 - (i) a notice or advertisement exhibited on the premises of the society, or published or distributed exclusively to members of the society; and
 - (ii) such notice or advertisement as may be contained in the tickets, if any;
 - (i) every ticket and every notice or advertisement of the lottery lawfully exhibited, distributed or published shall specify the name of the society, the name and address of the promoter and the date on which the draw, determination or event by or by reference to which the prize winners are ascertained will take place;
 - (j) no ticket shall be sent through the post to a person who is not a member of the society;
 - (k) no person shall be admitted to participate in the lottery in respect of a ticket or chance except after payment to the promoter of the whole price of the ticket or chance, and no money received by the promoter for or on account of a ticket or chance shall in any circumstances be returned;
 - (l) no payment on account of expenses or prizes shall be made out of moneys of the society other than proceeds of the lottery; and
 - (m) no ticket or chance shall be sold by or to a person under sixteen years of age.
- (4) Any amount payable by way of the pool betting duty in respect of a lottery to which this section applies shall be included in the sums which may be deducted from the proceeds of the lottery under subsection (3)(d) of this section before those proceeds are applied as therein mentioned, but no reference in any other provision of this section to expenses shall be construed as including a reference to that amount.
- (5) If any condition required by subsection (3) of this section to be observed in respect of a lottery is contravened, the promoter of the lottery and any other person who is party to the contravention shall be guilty of an offence:

Provided that—

- (a) it shall be a defence for a person charged with any offence only by reason of his being the promoter to prove that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent it;

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- (b) it shall be a defence for any person charged with an offence in respect of an appropriation or payment made in contravention of paragraph (e) or (l) of the said subsection (3) to prove—
 - (i) that the proceeds of the lottery fell short of the sum reasonably estimated; and
 - (ii) that the appropriation or payment was made in respect of expenses actually incurred, or in order to fulfil an unconditional undertaking as to prizes given in connection with the sale of the relevant tickets or chances; and
 - (iii) that the total amounts appropriated or paid in respect of expenses and prizes did not exceed the amounts which could lawfully be appropriated out of the proceeds of the lottery under the said paragraph (e) if the said proceeds had amounted to the sum reasonably estimated.
- (6) Part II of Schedule 7 to this Act shall have effect with respect to the returns to be made by the promoter of a lottery to which this section applies.

46 Saving for lotteries of Art Unions

Nothing in this part of this Act shall affect the operation of the Art Unions Act 1846, and any lottery promoted and conducted in accordance with that Act shall not be unlawful.

47 Restriction of certain prize competitions

- (1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—
 - (a) any competition in which prizes are offered for forecasts of the result either—
 - (i) of a future event; or
 - (ii) of a past event the result of which is not yet ascertained or not yet generally known;
 - (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to sponsored pool betting or in relation to pool betting operations carried on by a person whose only trade or business is that of a bookmaker.

- (2) Any person who contravenes the provisions of this section shall, without prejudice to any liability to be proceeded against under section 42 of this Act, be guilty of an offence.